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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--|---------------------------------|------------------------|
| 10/603,403 | 06/24/2003 | Dave Anderson | 60027.0195US01/BS# 030100 | 3391 |
| 7590 | 02/02/2010 | AT&T Legal Department Attn: Patent Docketing, Room 2A-207 One AT&T Way Bedminster, NJ 07921 | EXAMINER CUMARASEGARAN, VERN | |
| | | | ART UNIT 3629 | PAPER NUMBER |
| | | | MAIL DATE 02/02/2010 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/603,403 | ANDERSON ET AL. | |
| | Examiner | Art Unit | |
| | VERN CUMARASEGARAN | 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 September 2009.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4, 6-9 and 25-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4, 6-9, 25-28 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-4, 6-9, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise (US 2004/0098269 A1) in view of Stillman (US 2007/0121880 A1).

As to claims 1, 25-28 Wise shows providing question data (Fig.1A) to a voice services node (paragraph 101 "...data entry by way of voice commands..."); providing a set of verbal questions to a real estate seller about a real estate listing corresponding to the question data from the voice services node over a voiced call, wherein the question data includes at least one of textual data (Fig.1A) and a set of pre-recordings, and wherein the set of verbal questions are derived from the question data through text-to-speech conversion if the question data is textual (paragraph 101 *where voice commands would be interpreted by the digital recording tool*); receiving verbal answers to the set of verbal questions from the real estate seller in the voiced call at the voice services node of an automated system (paragraph 101); interpreting the received verbal answers to produce listing data through at least one of: speech recognition and natural language understanding (paragraph 101); and

posting the listing data for access by real estate customers through at least one of a web page and a communications network (paragraph 102 "...*web application allows subscribing agents to view, add and edit listings*").

Wise does not expressly show the voice services node being able to accommodate multiple verbal communication services simultaneously. However, Stillman shows a voice services node being able to accommodate multiple verbal communication services simultaneously (abstract).

It would have been obvious to one of ordinary skill in the art to modify Wise and incorporate the method of Stillman since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. (See KSR [127 S Ct. at 1739] "*The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.*").

As to claim 2, Wise inherently shows providing first question and waiting for response (paragraph 101).

As to claims 3, 4 Wise shows being responsive to previously asked question (Fig.2).

As to claims 6, 9 Wise shows posting the data (Fig.5B).

As to claim 7, Wise shows the voiced calls being wireless or cable (paragraph 123).

Response to Arguments

Applicant's arguments filed September 30, 2009 have been fully considered but they are not persuasive.

Applicant's election with traverse of claims 1-4, 6-9 and 25-28 in the reply is acknowledged. The traversal is on the grounds that the two groups of claims are closely related to each other. This is not found persuasive because the applicant does not provide evidence of the claims being obvious variants of each other. Merely having a single real estate interface that could incorporate elements from both groups of claims does not prove the two groups of claims are obvious variants of each other. Indeed, Examiner notes that the applicant must have deemed the scheduling aspect of the invention to be a distinct feature since a separate application focusing solely on automated scheduling (US 2004/0267585 A1) was filed by the applicant at the same time the instant application was filed.

Applicant further argues that the additional search and examination burden would be minimal since both groups of claims are categorized in the same class and subclass. However, even if both groups are within the same subclass, it would still require searching in different data sources and different search queries since the claims in both groups have distinct features. For example, search queries for invention I would be focused on collecting and posting data for access by users, while search queries for invention II would be focused on managing scheduling of appointments which is a markedly different function than that of invention I.

The requirement is still deemed proper because inventions I and II are not capable of use together since invention I does not have a calendar to allow it to schedule appointments which invention II requires. Also, because invention II requires an electronic calendar that invention I does not require, the two inventions have different designs. Thus the two sets of inventions have different designs and are not capable of use together.

The requirement is therefore made **FINAL**.

As to the applicant's arguments regarding the 35 U.S.C. 102 rejection, examiner maintains that Wise teaches providing a set of verbal questions to a seller. Written questions are considered to be within the scope of verbal questions since both would be composed of words.

Applicant also argues that Wise does not teach providing questions over a voiced call since the data spoken into a PDA would be "stored in a database" where the examiner assumes the database is referring to local storage in the PDA. However, the applicant's assertion is inconsistent with the invention described in Wise where the data is communicated over an internet connection (Fig.8) which would be considered a voiced call.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERN CUMARASEGARAN whose telephone number is (571)270-3273. The examiner can normally be reached on Monday - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vern Cumarasegaran/
Examiner, Art Unit 3629

/JOHN G. WEISS/
Supervisory Patent Examiner, Art Unit 3629